

AMENDED IN SENATE APRIL 15, 1997

SENATE BILL

No. 914

Introduced by Senator Brulte

February 27, 1997

An act to amend Section 654 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 914, as amended, Brulte. Criminal procedure: sentencing.

Existing law provides that an act or omission that is punishable in different ways by different provisions may be punished by either of those provisions.

This bill instead would provide that the act or omission shall be punished under the provision that provides the longest potential term of imprisonment, *but in no case shall the act or omission be punished under more than one provision*. The bill would further provide that if any provision that would otherwise apply to the person prohibits the granting of probation, then the person shall not be granted probation. By increasing the punishment for existing crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 654 of the Penal Code is
2 amended to read:

3 654. (a) An act or omission that is punishable in
4 different ways by different provisions of ~~of~~ law shall be
5 punished under the provision that provides for the
6 longest potential term of imprisonment, *but in no case*
7 *shall the act or omission be punished under more than*
8 *one provision*. An acquittal or conviction and sentence
9 under any one bars a prosecution for the same act or
10 omission under any other.

11 (b) Notwithstanding subdivision (a), a defendant
12 sentenced pursuant to subdivision (a) shall not be
13 granted probation if any of the provisions that would
14 otherwise apply to the defendant prohibits the granting
15 of probation.

16 SEC. 2. No reimbursement is required by this act
17 pursuant to Section 6 of Article XIII B of the California
18 Constitution because the only costs that may be incurred
19 by a local agency or school district will be incurred
20 because this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition
24 of a crime within the meaning of Section 6 of Article
25 XIII B of the California Constitution.

26 Notwithstanding Section 17580 of the Government
27 Code, unless otherwise specified, the provisions of this act
28 shall become operative on the same date that the act
29 takes effect pursuant to the California Constitution.

